

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PAUL KAIRIS,

Petitioner,

- v -

**9:02-CV-1337
(TJM/RFT)**

UNITED STATES OF AMERICA,

Respondent.

Thomas J. McAvoy, Senior U.S. District Judge

DECISION & ORDER

This *pro se* motion for the return of property was referred to the Hon. Randolph F. Treece, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

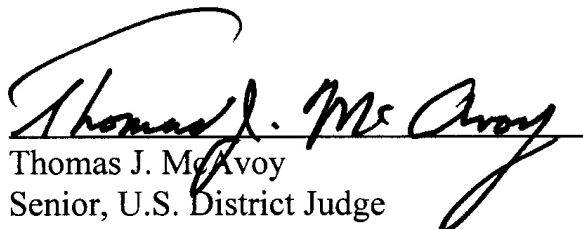
No objections to the Report-Recommendation and Order dated September 5, 2006 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is therefore

ORDERED that the motion to set aside the administrative forfeiture be granted and the DEA serve proper notice upon petitioner and allow for filing of a new claim, which, in accordance with the prisoner mailbox rule, shall be deemed filed if and when petitioner gives such claim to prison officials.

IT IS SO ORDERED.

Dated: September 20, 2006


Thomas J. McAvoy
Senior, U.S. District Judge